THE HONOURABLE SRI JUSTICE B.SUDERSHAN REDDY

AND

THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

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WRIT PETITIION No.19795 of 2005

Dated 14th September, 2005

Between:

M/s. Sri Radhakrishna Rice Mills,

Ullamparru near: Palakol, West Godavari District,

represented by its Managing Partner,

Sri A.Viswanadham.

-- Petitioner

And

The Commissioner of Commercial Taxes

Andhra Pradesh, Commercial Tax Buildings,

Nampally, Hyderabad and three others.

-- Respondents.

ORAL ORDER:

(per Honourable Sri Justice B.Sudershan Reddy)

This writ petition is directed against the interlocutory order passed by the respondents rejecting the request of the petitioner herein to grant stay of recovery of the disputed tax relating to disputed turn-over. This Court in exercise of its

jurisdiction under Article 226 of the Constitution of India normally does not interfere such interlocutory orders as the one under challenge in this writ petition. But, the petitioner is entitled for the benefit of the decision rendered by a Division Bench of this Court in W.P.No.15159 of 2004 and batch dated: 18.11.2004. It is for that reason, we are interfering in this matter and granting stay as prayed for during the pendency of the appeals preferred by the petitioner.

The Writ Petition is accordingly disposed of directing the respondents herein not to proceed further pursuant to the notice of 4th respondent in GI No.10927 dated: 18.7.2005 during the pendency of the appeal preferred by the petitioner. There shall be an order accordingly. No costs.

_____ B.SUDERSHAN REDDY, J.

14.9.2005.

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S.ANANDA REDDY, J.

VR.